



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Resolution/Order to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane

MEETING DATE: November 17, 1993

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council, after hearing comments and input from both Arco and the 211 Club, take the appropriate action with respect to the abandonment of this alley.

BACKGROUND INFORMATION: The City Council, at its meeting of October 20, 1993, closed the public hearing on this item. However, the City Council indicated to the representatives of Arco and the 211 Club that they should come to some type of crossover agreement since it was the Council's intent to abandon all of the alley as recommended.

Enclosed for information is a copy of the October 20, 1993 Council Communication on this subject. This Council Communication referred to a letter from the owners of 519, 527 and 533 East Lodi Avenue which indicated they were not in favor of the alley abandonment. It should be noted that, at the public hearing on October 20, these owners went on record that they did not have an objection to the proposed abandonment.

As of the writing of this Council Communication, the Arco representative has still not received an answer to their title search request on the alley between Arco and the 211 Club.

FUNDING: Not applicable.


Jack L. Ronsko
Public Works Director

JLR/lm

Attachment

cc: City Attorney
Affected property owners

APPROVED: 

THOMAS A. PETERSON
City Manager





CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution/Order to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane

MEETING DATE: October 20, 1993

PREPARED BY: Public Works Directc.

RECOMMENDED ACTION: That the City Council, after hearing input from property owners, take the appropriate action on this proposed abandonment.

BACKGROUND INFORMATION: The City Council, at its last meeting of October 6, 1993, rescheduled this public hearing in order that the property owners could be notified of the exact date the Planning Commission would be hearing the matter. This public hearing was rescheduled to October 20, 1993, under the attached Council Communication. The notice, attached as Exhibit A, was mailed to all adjacent property owners and hand-delivered to all occupants.

The Planning Commission heard this item at their meeting of October 11, 1993. There were only two parties who spoke in opposition to the abandonment and they both represented the 211 Club which owns parcels 22, 24 and 25 as shown on Exhibit B. Their concern with the abandonment involved the two-way alley entrance/exit which is used by both the 211 Club and the adjacent Arco AM/PM Mini Mart.

The City Clerk received a letter from the owners of 519, 527 and 533 East Lodi Avenue indicating they are opposed to the alley vacation. A copy of this letter is attached as Exhibit C. As part of the initial noticing of this public hearing, all parcels within 300 feet were notified. As part of the notice, the exhibit showing the exact alley abandonment was inadvertently omitted. These three parcels do not front the proposed alley abandonment. The west end of the proposed abandonment abuts the north 10 feet of the east property line of the parcel at 533 East Lodi Avenue. In contacting the owners of these properties, we found that they are aware that alley access will continue to be available to their property from Garfield Street but are still opposed to the proposed alley abandonment. It is their feeling that the existing 10-foot wide abutment to the alley east of their properties may be important to their future development plans. They plan to attend the public hearing to share their concerns with Council.

The Planning Commission made the finding that there was no public need for the subject alley if the following conditions were met:

1. That a public utility easement be retained over the 20-foot alley to provide for existing utilities.

APPROVED: _____

THOMAS A. PETERSON
City Manager



recycled paper

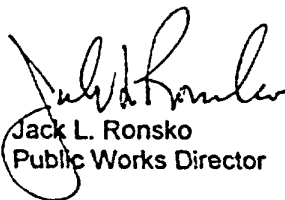
Public Hearing to Consider Resolution/Order to Vacate the Alley North of East Lodi Avenue, from
Cherokee Lane to 280 Feet West of Cherokee Lane
October 20, 1993
Page 2

2. That the owner of parcels 22, 24 and 25 enter into a crossover agreement with the owner of parcel 48 for the 120 feet of alley immediately east of Cherokee Lane common to both owners.

If the crossover agreement could not be worked out between the two parties, it was recommended that only the westerly 160 feet be abandoned.

At the writing of this Council Communication, Public Works staff has scheduled a meeting with Arco for Monday, October 18, 1993, to review this matter in the field. We are hoping to bring the Council a resolution of this matter at the rescheduled public hearing or at least have the parties involved describe their concerns in order that the Council can take appropriate action.

FUNDING: Not applicable.


Jack L. Ronsko
Public Works Director

JLR/lm

Attachments

cc: City Attorney
Adjacent property owners



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Reschedule Public Hearing to Consider Resolution/Order to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane, to October 20, 1993

MEETING DATE: October 6, 1993

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council reschedule the public hearing to October 20, 1993.

BACKGROUND INFORMATION: At its regular meeting of September 1, 1993, the City Council adopted a resolution of intention to vacate an alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley; and referred the matter to the Planning Commission to make the finding that there is no public need for this alley right of way.

Pacific Bell, King Videocable, PG&E, and City of Lodi utilities have all indicated the proposed abandonment is acceptable if it is approved on the condition that a permanent easement be reserved as indicated above.

The west 160.76-foot portion of this alley has never been improved (dirt) and has never been opened to vehicular traffic. In addition, the alley has been an ongoing maintenance problem for trash removal and weed abatement. City staff initiated this alley abandonment in an effort to eliminate these maintenance costs.

The Planning Commission was scheduled to hear this matter at its meeting of September 27, 1993. However, due to the number of properties involved, and the fact that the posting of the property did not specify the date the Planning Commission was going to meet and discuss this matter, the Planning Commission continued the discussion to its next meeting of October 11, 1993. We are, therefore, notifying all of the property owners involved, by sending them a copy of this Council Communication, that the proposed public hearing is being rescheduled to October 20, 1993. It is requested that these property owners provide input to the Planning Commission, on October 11, 1993, whether or not they desire the existing alley right of way to be abandoned.

APPROVED: _____

THOMAS A. PETERSON
City Manager



RECYCLED PAPER

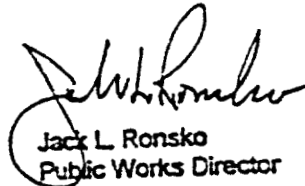
CC-1

vacate - 1. doc

Reschedule Public Hearing to Consider Resolution/Order to Vacate the Alley North of
East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane, to October 20, 1993
October 6, 1993
Page 2

In the past, the property owner notification was provided only to meet the requirements of the law. In the future, in addition to posting the property, a letter will also be sent to each property owner involved. This letter will include not only the date of the Council public hearing but also the date the Planning Commission will meet to make the finding on public need. This item will, therefore, be brought back to the City Council for the rescheduled public hearing on October 20, 1993.

FUNDING: Not applicable.



Jack L. Ronsko
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/im

Attachment

cc City Attorney
Community Development Director
Affected property owners

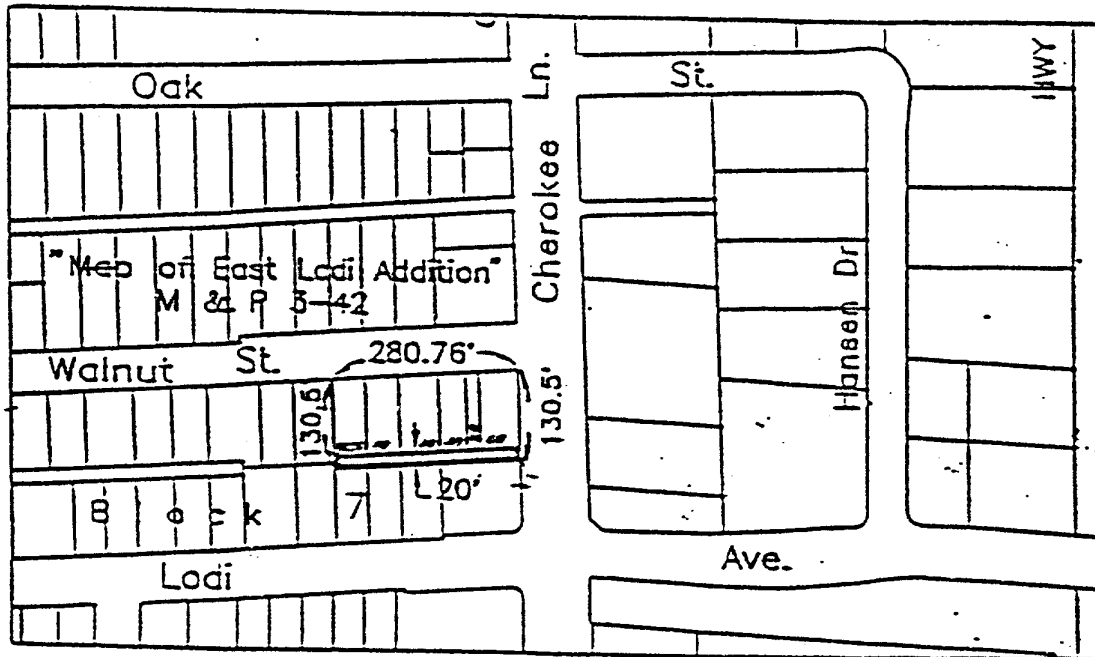


CITY OF LODI

PUBLIC WORKS DEPARTMENT

PLAT 11 A

ALLEY ABANDONMENT



N.T.S.

Exhibit A

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

October 1, 1993

THOMAS A. PETERSON
City Manager

JENNIFER M. PERRIN
City Clerk

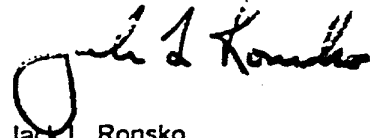
BOB McNATT
City Attorney

SUBJECT: Reschedule Public Hearing to Consider Resolution/Order to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane, to October 20, 1993

This is to inform you that the public hearing scheduled for October 6, 1993, related to the above alley abandonment, has been rescheduled to October 20, 1993. Enclosed is a Council Communication which explains the reason for rescheduling.

This Council Communication also informs you, the property owner, that the Planning Commission will be hearing this matter on October 11, 1993, to make a finding of whether or not there is a public need. You, as a property owner, may want to consider attending both the Planning Commission Meeting and the public hearing at the City Council Meeting to make your position and views known.

If you have any questions concerning this, please contact Sharon Welch or me at (209) 333-6706.



Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: Occupant
City Clerk

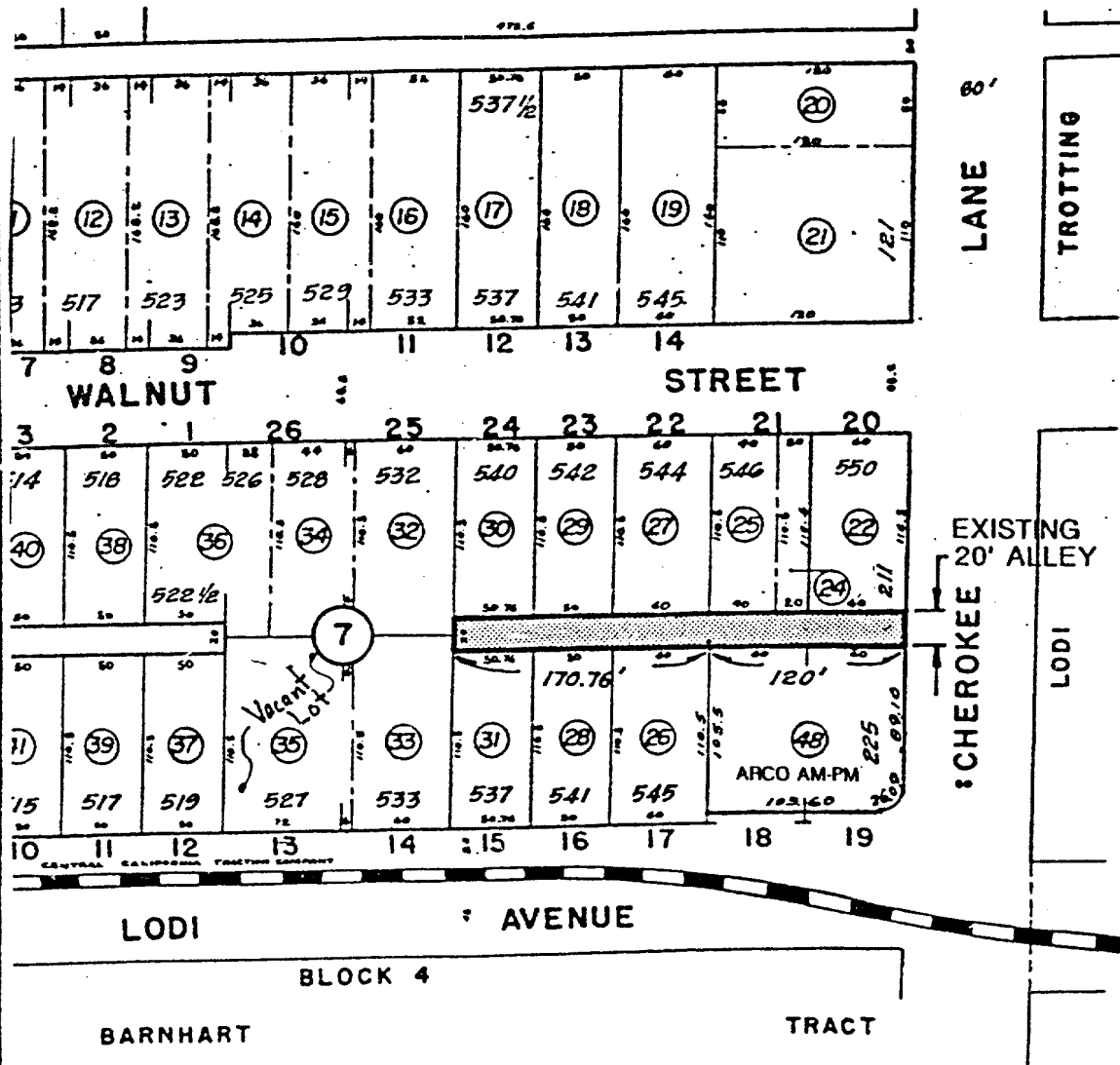


CITY OF LODI

PUBLIC WORKS DEPARTMENT

ALLEY ABANDONMENT

Bk. 043 - 14



Dr.	No.	Date	Revision	Appr.
Ch.				
Date				

Exhibit C

RECEIVED

93 SEP 28 PM 1:56

JENNIFER M. PERRIN
CITY CLERK
CITY OF LODI

SEPTEMBER 27, 1993
620 VIRGINIA AVENUE
LODI, CA. 95240
(209) 388-9180

JENNIFER M. PERRIN
CITY CLERK
CITY OF LODI
305 WEST PINE ST.
LODI, CA. 95240

RE: PUBLIC HEARING OCTOBER 6, 1993 7:00 PM.

DEAR MS. PERRIN:

WE ARE THE OWNERS OF 519, 527 & 533 EAST LODI AVENUE AND WE WANT TO GO ON RECORD AS BEING OPPOSED TO THE CITIES INTENTION TO VACATE THE ALLEY.

AT THE TIME WE PURCHASED THE PARCELS WE WERE CONSIDERING BUILDING APARTMENTS OR BUILDING COMMERCIALLY SOMETIME IN THE FUTURE. WITH THIS IN MIND THE ALLEY ACCESS BECAME ONE OF THE MAIN REASONS FOR THE PURCHASES.

THE MORATORIUM ON APARTMENT BUILDING ON THE EAST SIDE TOOK AWAY OUR FIRST CHOICE FOR OUR INVESTMENT. AT THE PRESENT TIME THE VACANCY FACTOR OF COMMERCIAL BUILDINGS PUTS ON HOLD OUR SECOND CHOICE.

WE RESPECTFULLY SUBMIT THIS LETTER FOR CONSIDERATION BY THE CITY COUNCIL AT THE PUBLIC MEETING.

SINCERELY YOURS.

Dick & June Neuman

DICK & JUNE NEUMAN

RESOLUTION NO. 93-145

=====

A RESOLUTION/ORDER OF THE LODI CITY COUNCIL
VACATING THE ALLEY NORTH OF EAST LODI AVENUE
FROM CHEROKEE LANE TO 280 FEET WEST OF CHEROKEE LANE

=====

WHEREAS, this City Council acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 1st day of September, 1993 pass and adopt a Resolution of Intention No. 93-108 therein declaring the intention of said City Council to vacate that portion of the alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in over, and across said alley, and more particularly described as follows, to wit:

The alley north of East Lodi Avenue, from Cherokee Lane to
280 feet west of Cherokee Lane;

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form and manner as required by law as is evidenced by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, October 6, 1993, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, upon unanimous motion action of the City Council, the public hearing was continued to the November 17, 1993 City Council meeting so that a possible solution may be reached, and the Council further directed that a title search be done on the property; and

WHEREAS, on November 17, 1993, a continued noticed public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, at the November 17, 1993 City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that said portion of said alley is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned that portion of the alley north of East Lodi Avenue, from Cherokee Lane to 280 feet West of Cherokee Lane, Lodi, California, and more particularly described as follows:

The alley located north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in over, and across said alley.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

Dated: November 17, 1993

=====

I hereby certify that the foregoing RESOLUTION/ORDER VACATING that portion of the alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, Lodi, California, with the conditions stated, was passed and adopted by the Lodi City Council in a regular meeting held November 17, 1993 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

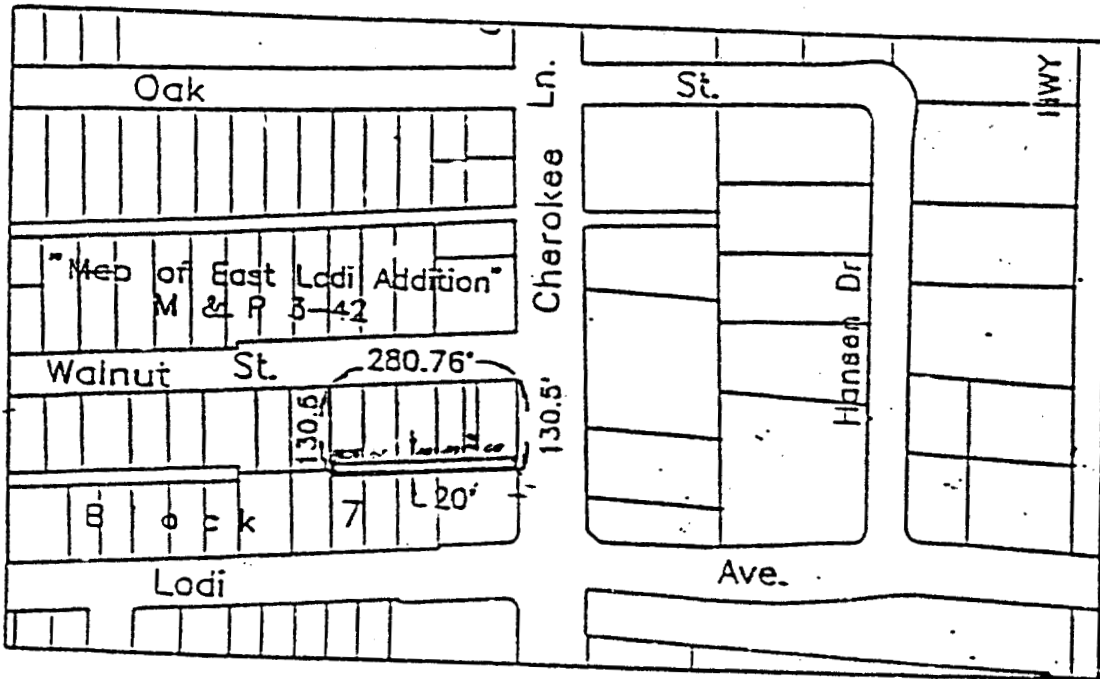
Jennifer M. Perrin
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

ALLEY ABANDONMENT



N.T.S.

CITY COUNCIL

PHILLIP A. PENNINO Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY C. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager

JENNIFER M. PERRIN
City Clerk

BOB McNATT
City Attorney

November 10, 1993

SUBJECT: Resolution/Order to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane

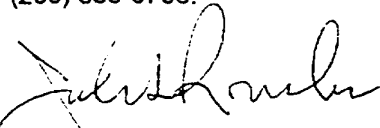
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, November 17, 1993, at 7:00 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch or me at (209) 333-6706.



Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk

PAMELA J MARTINEZ ET AL
311 GREENWAY DR
MARTINEZ CA 94553

KEVIN JANKE
PEGGY'S GROOMING
546 E WALNUT ST
LODI CA 95240

KENNETH R. ALBERG
550 E WALNUT ST
LODI CA 95240

211 CLUB
211 S CHEROKEE LN
LODI CA 95240

GEORGE R CECCHETTI
544 E WALNUT ST
LODI CA 95240

ATLANTIC RICHFIELD CO
P O BOX 2485
LOS ANGELES CA 90051

HILDENBRAND'S AM PM
MINI MART
225 S CHEROKEE LN
LODI CA 95240

RANDALL H REISWIG
P O BOX 494421
REDDING CA 96049-4421

ELSIE REISWIG
545 E LODI AVE
LODI CA 95240

LORINE KREIN ET AL
540 E WALNUT ST
LODI CA 95240

PAUL & SHERYLL SALSED0
542 E WALNUT ST
LODI CA 95240

ARTHUR VEIL TRUSTEE
11662 N HAM LN #39
LODI CA 95242

OCCUPANT
537 E LODI AVE
LODI CA 95240

MARIA C GALLO ARELLANO
541 E LODI AVE
LODI CA 95240

RICHARD & J NEWMAN
520 VIRGINIA AVE
LODI CA 95242

DAVID & F MEAGHER
532 E WALNUT ST
LODI CA 95240

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

December 17, 1993

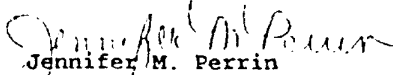
Pacific Gas and Electric Company
12 West Pine Street
Lodi, CA 95240

Gentlemen:

Enclosed herewith please find certified recorded copy of Resolution/Order No. 93-145 entitled, "Resolution/Order of the Lodi City Council Vacating the Alley North of East Lodi Avenue From Cherokee Lane to 280 Feet West of Cherokee Lane" which was adopted by the Lodi City Council at its Regular Meeting of November 17, 1993.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,


Jennifer M. Perrin
City Clerk

JMP

Enclosure

cc: Jeannie Matsumoto, Senior Engineering Technician

docid

93140252

SAN JOAQUIN COUNTY
RECORDER'S OFFICE
L. M. JOHNSTONE

77

CITY OF LODI

CITY HALL, 221 W. PINE ST
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910

93 NOV 30 AM 11:33

RECORDED AT REQUEST OF

City of Lodi
FEE 10-1

RESOLUTION NO. 93-145

=====

A RESOLUTION/ORDER OF THE LODI CITY COUNCIL
VACATING THE ALLEY NORTH OF EAST LODI AVENUE
FROM CHEROKEE LANE TO 280 FEET WEST OF CHEROKEE LANE

=====

WHEREAS, this City Council acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 1st day of September, 1993 pass and adopt a Resolution of Intention No. 93-108 therein declaring the intention of said City Council to vacate that portion of the alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in over, and across said alley, and more particularly described as follows, to wit:

The alley north of East Lodi Avenue, from Cherokee Lane to
280 feet west of Cherokee Lane;

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form and manner as required by law as is evidenced by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, October 6, 1993, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, upon unanimous motion action of the City Council, the public hearing was continued to the November 17, 1993 City Council meeting so that a possible solution may be reached, and the Council further directed that a title search be done on the property; and

WHEREAS, on November 17, 1993, a continued noticed public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, at the November 17, 1993 City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that said portion of said alley is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned that portion of the alley north of East Lodi Avenue, from Cherokee Lane to 280 feet West of Cherokee Lane, Lodi, California, and more particularly described as follows:

The alley located north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in over, and across said alley.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

Dated: November 17, 1993


=====

I hereby certify that the foregoing RESOLUTION/ORDER VACATING that portion of the alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, Lodi, California, with the conditions stated, was passed and adopted by the Lodi City Council in a regular meeting held November 17, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider and Pennino
(Mayor)

Noes: Council Members - None

Absent: Council Members - None

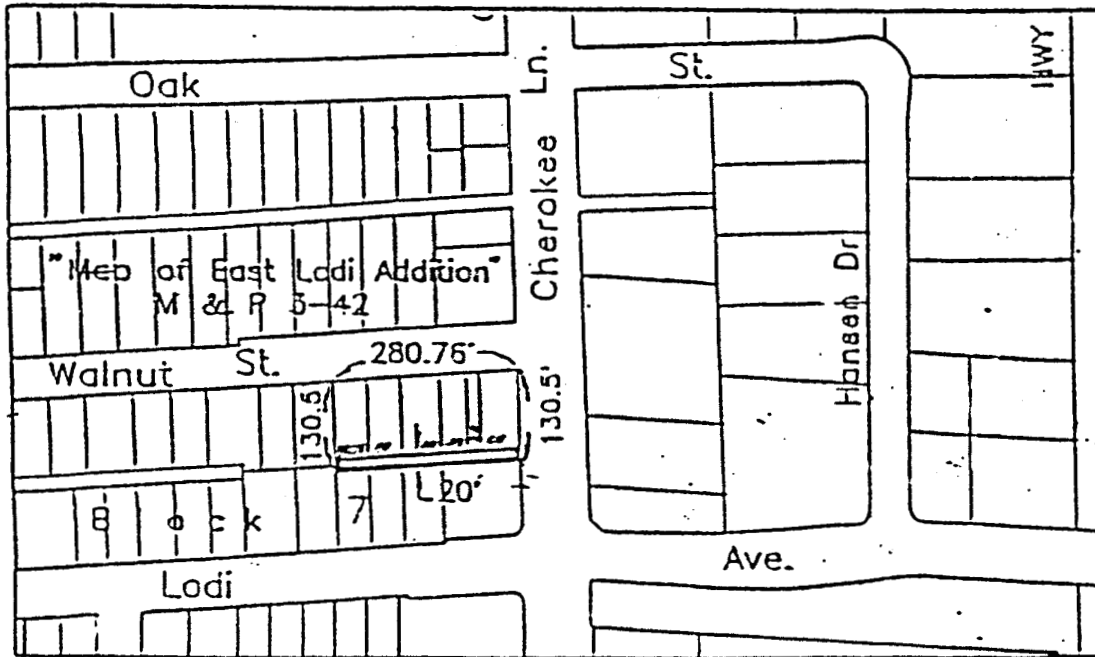

Jennifer M. Perrin
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

ALLEY ABANDONMENT



93140252

N.T.S.